

UNITED STATES DISTRICT COURT

SOUTHERN

DISTRICT OF

CALIFORNIA

In the Matter of the Search of

(Name, address or brief description of person, property or premises to be searched)

One (1) Nokia Model 6061 Cellular Telephone (black/ chrome in Color), Serial Number: 010715/00/322158/8, SIM Card, ID Number: 89520 20908 11009 6298F

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

Case Number: '08 MJ 8754

I, COLE DOTSON being duly sworn depose and say:

I am a(n) Special Agent with U.S. Immigration and Customs Enforcement and have reason to believe

Official Title

that ☐ on the person of or ☒ on the property or premises known as (name, description and/or location) REFER TO ATTACHMENT A

in the SOUTHERN District of CALIFORNIA

there is now concealed a certain person or property, namely (describe the person or property to be seized) REFER TO ATTACHMENT B

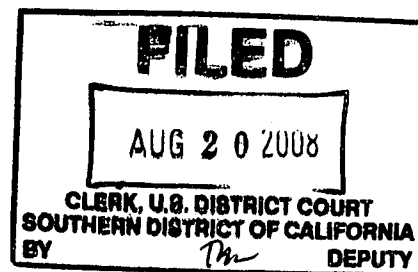
which is (state one or more bases for search and seizure set forth under Rule 41(b) of the Federal Rules of Criminal Procedure)

electronic data that constitutes evidence of a criminal offense and electronic data which is and has been used as the means for committing a criminal offense

concerning a violation of Title 21 United States code, Section(s) 952, 960, and 841(a)(1)

The facts to support a finding of probable cause are as follows:

REFER TO ATTACHED AFFIDAVIT OF SPECIAL AGENT COLE DOTSON



Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No

Signature of Affiant

Sworn to before me and subscribed in my presence,

August 20, 2008

Date

at EL CENTRO, CALIFORNIA

City

State

Peter C. Lewis,

Magistrate Judge

Name of Judge

Title of Judge

Signature of Judge

A 8c/Hu/CCN

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

In the Matter of the Search of:

Magistrate Case No.:

'08 MJ 8754

AFFIDAVIT OF ICE SPECIAL AGENT
COLE DOTSON IN SUPPORT OF
SEARCH WARRANT

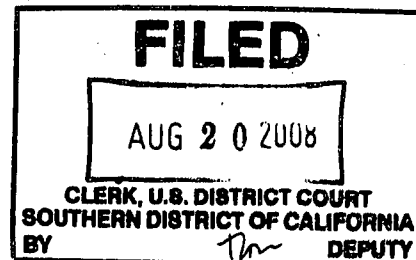
One (1) Motorola i560 Cellular
Telephone (black in color),
Serial Number: 364KJA08PR,
SIM Card, ID Number:
0018-05712634-360

One (1) Nokia Model 6061
Cellular Telephone
(black/chrome in color),
Serial Number:
010715/00/322158/8,
SIM Card, ID Number:
89520 20908 11009 6298F

One (1) Telcel V3 SIM Card
(white in color), ID Number:
89520 20304 42023 2338F

One (1) Telcel V3 SIM Card
(white in color), ID Number:
89520 20007 32094 6119F

RE: MIGUEL A. SERVIN-ESPINOZA



I, Cole Dotson, being first duly sworn, hereby depose and
say:

PURPOSE

1. This affidavit is made in support of an application for
a search warrant for federal agents to search the following
cellular telephones and Subscriber Identity Module (SIM) cards
for electronic data: One (1) Motorola i560 Cellular Telephone
(black in color), Serial Number: 364KJA08PR, SIM Card, ID Number:
0018-05712634-36; One (1) Nokia Model 6061 Cellular Telephone
(black/chrome in color), Serial Number: 010715/00/322158/8, SIM

1 Card, ID Number: 89520 20908 11009 6298F; One (1) Telcel V3 SIM
2 Card (white in color), ID Number: 89520 20304 42023 2338F; One
3 (1) Telcel V3 SIM Card (white in color), ID Number: 89520 20007
4 32094 6119F. The said cellular telephones and SIM cards are
5 believed to have been used as a means for committing a criminal
6 offense, and are believed to contain evidence of the violation of
7 Title 21, United States Code, Section 952 and 960, Importation of
8 a Controlled Substance, and Title 21, United States Code, Section
9 841(a)(1), Possession of a Controlled Substance with Intent to
10 Distribute.
11

12 BACKGROUND AND EXPERIENCE

13 2. I am a Special Agent (SA) with the United States
14 Immigration and Customs Enforcement (ICE), which is a component
15 agency of the Department of Homeland Security. I have been
16 employed as an ICE Special Agent since October 28, 2007. Prior to
17 that, I was a Border Patrol Agent with Customs and Border
18 Protection for approximately three years. Concurrently, I am a
19 Commissioned Officer in the Army National Guard, which includes
20 three years active Army and ten years reserve component service.
21 I hold a Bachelor of Arts in History from the University of
22 California, San Diego. I have been cross-designated by the United
23 States Drug Enforcement (DEA) to conduct controlled substance
24 investigations and enforce provisions of the Federal Controlled
25 Substances Act, pursuant to Title 21 of the United States Code.
26
27
28
29

1 3. I am currently assigned to the ICE Office of the
2 Assistant Special Agent in Charge (ASAC), Office of
3 Investigations, El Centro, California. I am assigned to conduct
4 investigations of criminal violations relating to Immigration and
5 to smuggling of controlled substances. Through the course of my
6 duties, I have talked with experienced controlled substance
7 investigators about the activities of drug traffickers/smugglers.
8 I have received hours of on-the-job training dealing with
9 trafficking/smuggling activities practiced locally. I have
10 personally arrested and/or participated in the arrest and
11 interview of several persons for violation of the Controlled
12 Substance Act. Overall, I have gained a working knowledge and
13 insight of the typical workings and operational habits of drug
14 traffickers/smugglers.
15

16
17 4. Based upon my training, experience, and upon the facts
18 set forth in this affidavit, I submit the following:

19 a. It is common practice for traffickers/smugglers to
20 maintain communications with co-conspirators by cellular
21 telephone.
22

23 b. Drug traffickers/smugglers use cellular telephones
24 because they are mobile, allowing instant access to phone calls
25 and voice messages.

26 c. Drug traffickers/smugglers often use multiple
27 cellular telephones with multiple SIM cards allowing the same
28 cellular telephone to be used in different countries and by
29

1 different people. A SIM card is used in cellular telephones to
2 identify the user for billing and other services. A single SIM
3 card can be used in multiple cellular telephones.

4 d. Drug traffickers believe that cellular telephones
5 provide greater insulation and protection against court-ordered
6 wiretaps providing an inability of law enforcement personnel to
7 simultaneously track the origination and destination of phone
8 calls.

9
10 SUMMARY OF INVESTIGATION / FACTS SUPPORTING PROBABLE CAUSE

11 5. This affidavit is based on my own personal knowledge,
12 as well as discussions with other federal agents and my review of
13 the reports and evidence in this case. This affidavit does not
14 contain all information known to federal agents regarding this
15 investigation. However, it contains those facts believed to be
16 necessary to establish probable cause.

17
18 6. On July 23, 2008, Miguel Angel SERVIN-Espinoza, a
19 Mexican citizen with a B1 visa, entered the United States through
20 the Calexico, California East Port of Entry (POE). SERVIN was
21 the driver of a green 1999 International tractor bearing license
22 plates CA/US VP25596. A subsequent search of the tractor
23 revealed 8 packages containing 235.64 kilograms (518.41 pounds)
24 of cocaine concealed in both fuel tanks.

25
26 7. SERVIN was advised of his constitutional rights, in
27 Spanish, per Miranda. SERVIN stated that he understood his
28 rights. SERVIN stated that two months ago he moved to Mexicali
29

1 from Sinaloa and he had been working for Jose Luis SANCHEZ-
2 Ramirez, S&R Transport for a month and a half. SERVIN was asked
3 about the tractor, the registered owner of the tractor, and his
4 employment. SERVIN described his employment as consisting of his
5 picking up said tractor from a truck lot in Mexicali, driving the
6 empty tractor into the United States to 817 E. 3rd Street in
7 Calexico, California, where SERVIN would meet SANCHEZ. SANCHEZ
8 would direct SERVIN to different truck lots within the Calexico
9 area, hook onto a trailer and move the trailer to various truck
10 lots within the El Centro area. He stated that SANCHEZ would go
11 with him, showing him where to go. SERVIN stated that sometimes
12 he would wait for SANCHEZ's arrival at 3rd Street. SERVIN
13 described 3rd Street as a business/office.
14

15 8. SA Dotson asked SERVIN if there was anything different
16 about this day (July 23, 2008) as opposed to a "normal" workday.
17 SERVIN stated that SANCHEZ called him, requesting for him to
18 bring the tractor to 3rd Street later in the afternoon than
19 usual.
20

21 9. SA Leon asked SERVIN how he communicates with SANCHEZ.
22 SERVIN stated, "by radio." SA Leon retrieved a black Motorola
23 i560 cell phone from an evidence bag containing SERVIN's
24 property, handing it to SERVIN. SERVIN affirmed ownership of the
25 phone, taking the phone from SA Leon, and preceded to look for
26 SANCHEZ's contact information. After a few moments of going
27 through the phone, SERVIN indicated the number listed as
28
29

1 "MECHADO" was for SANCHEZ. SERVIN stated that the black Motorola
2 i560 was given to him by his employer (SANCHEZ). SA Leon
3 retrieved a black Nokia model 6061 from SERVIN's evidence bag
4 containing SERVIN's property, SERVIN stated that this phone was
5 his personal phone.

6 10. Several times SERVIN was reminded of the gravity of the
7 crime. Throughout, SERVIN remained very calm. SERVIN stated that
8 if "you" want to know about the drugs, "you" would have to talk
9 to SANCHEZ. SA Leon attempted to contact SANCHEZ via the number
10 retrieved from SERVIN, to no avail.
11

12 11. On July 23, 2008, SERVIN was transported to the
13 Imperial County Jail to await his initial appearance before the
14 United States Magistrate. A number of SERVIN's personal items,
15 as well as items seized from inside the tractor truck, were
16 seized as evidence and maintained in ICE custody.
17

18 12. On July 24, 2008 SERVIN was arraigned before United
19 States Magistrate Peter C. Lewis on a complaint for violation of
20 Title 21, United States Code, Sections 952 and 960, Importation
21 of a Controlled Substance (235.64 kilograms of cocaine).
22

23 13. On July 24, 2008 a search warrant was executed on the
24 address SERVIN identified as the business/office. The "office"
25 was an empty, two-bedroom apartment in a residential
26 neighborhood. Items retrieved included an answering machine and
27 mail addressed to SANCHEZ. The apartment appeared to be a mail
28 drop, not a legitimate business.
29

1 14. On or about July 30, 2008, a review of SERVIN's seized
2 personal belongings revealed a small plastic photograph holder,
3 with clear plastic on one side and red plastic on the back side,
4 marked "Foto Estudio Agoya." Inside the plastic photograph
5 holder were seven (7) photographs (including four photographs of
6 children and three photographs that appeared to be of SERVIN
7 himself). Tucked behind these photographs were two SIM cards:
8 one (1) Telcel V3 SIM Card (white in color), ID Number: 89520
9 20304 42023 2338F; and one (1) Telcel V3 SIM Card (white in
10 color), ID Number: 89520 20007 32094 6119F. A photocopy of the
11 plastic photograph holder with the contents inside is attached as
12 Exhibit A. A photocopy of the back side of the plastic holder,
13 with the contents (the photographs and SIM cards) removed is
14 attached as Exhibit B.
15

16
17 15. SA Dotson recognized that both cellular telephones in
18 SERVIN's possession are compatible with the SIM cards found in
19 this red plastic photograph holder.

20 16. On August 14, 2008, SA Leon interviewed the owner of
21 the property who lives one unit from the warrant's target
22 address. She stated that SANCHEZ had rented the apartment between
23 May and July, always paying in cash. She had not seen SANCHEZ
24 since July 23rd (the date of SERVIN's arrest). All attempts to
25 locate SANCHEZ have been negative.
26

27 //

28 //

29

DESCRIPTION OF PROPERTY/ ITEMS TO BE SEARCHED

17. One (1) Motorola i560 Cellular Telephone (black in color), Serial Number: 364KJA08PR, SIM Card, ID Number: 0018-05712634-36; One (1) Nokia Model 6061 Cellular Telephone (black/chrome in color), Serial Number: 010715/00/322158/8, SIM Card, ID Number: 89520 20908 11009 6298F; One (1) Telcel V3 SIM Card (white in color), ID Number: 89520 20304 42023 2338F; One (1) Telcel V3 SIM Card (white in color), ID Number: 89520 20007 32094 6119F.

DESCRIPTION OF PROPERTY/ ITEMS TO BE SEIZED

18. The items to be seized from each cellular telephone and SIM card are electronic data that constitute evidence of the commission of a criminal offense, and electronic data that is, and has been used as the means for committing a criminal offense. The specific criminal offenses involved are violations of Title 21, United States Code, Sections 952 and 960, Importation of a Controlled Substance and Title 21, United States Code, Section 841(a)(1), Possession of a Controlled Substance with Intent to Distribute. The items to be seized include the electronic data described below:

a. The phone numbers and/or direct-connect and/or names and identities assigned to the cellular telephone;

b. Digital, cellular, and/or telephone numbers and/or direct connect numbers, names and identities stored in the directories;

1 c. Phone numbers and direct-connect numbers dialed
2 from the cellular telephone and stored in memory;

3 d. The last number dialed from the cellular telephone
4 and;

5 e. Any other electronic information in the stored
6 memory of the cellular telephone and SIM card, including but not
7 limited to text messages, voicemail, and pictures, relating to
8 violations of Title 21, United States Code, Sections 952 and 960,
9 Importation of Controlled Substance and Title 21, United States
10 Code, Section 841(a)(1), Possession of Controlled Substance with
11 Intent to Distribute.
12

13 CONCLUSION

14 19. Based on the facts contained in this affidavit, my
15 training, and experience, I submit that there is probable cause
16 to believe that the said cellular telephones and SIM cards found
17 in SERVIN's possession contain evidence of violations of Title
18 21, United States Code, Sections 952 and 960, Importation of a
19 Controlled Substance and Title 21, United States Code, Section
20 841(a)(1), Possession of a Controlled Substance with Intent to
21 Distribute.
22

23 20. I believe that the said property/items to be seized
24 will be found when the attached warrant is executed.
25 Consequently, based on the probable cause stated within this
26 affidavit, I specifically request authority to seize the items
27 described above and in Attachment B hereto and incorporated
28
29

1 herein by reference. Therefore, for the reasons set forth in this
2 affidavit and application, I respectfully request that a separate
3 search warrant be issued for each cellular telephone and
4 independent SIM card.

5 21. I have prepared this affidavit in close consultation
6 with several federal agents with whom I work and with Assistant
7 United States Attorney John Weis in the Southern District of
8 California.
9

10 22. I, or any other duly authorized federal agent, will
11 personally serve the warrant requested above, and will be
12 assisted by other duly authorized federal investigators.

13 23. ICE agents will deliver the cellular telephones and SIM
14 cards to ICE forensic examiners. These examiners may be able to
15 determine the personal identification number, turn on the
16 cellular telephones, and retrieve data from the cellular
17 telephones and SIM cards. Unlike typical computers, cellular
18 phones and SIM cards do not have hard drives and store
19 information in volatile memory. Current technology does not
20 provide solutions for imaging the data stored in cellular phone
21 memory. Consequently, the phone will have to be powered up and
22 turned on by a forensics examiner.
23
24

25 24. The examination may be delayed due to the lack of the
26 appropriate charging device. The examiner will need to manually
27 examine the cellular phone and its functions and record their
28 findings using digital photography. This process is time and
29

1 labor intensive and, depending upon the workload of the few
2 certified cellular phone forensic examiners available, may take
3 weeks or longer. Therefore, your affiant is requesting that the
4 time for service be extended to thirty days.

5 25. I swear the forgoing is true and correct to the best of
6 my knowledge and belief.



7
8
9 COLE DOTSON
10 Special Agent, U.S. Immigration
and Customs Enforcement

11 SUBSCRIBED AND SWORN TO, IN MY PRESENCE, THIS 20th DAY OF
12 AUGUST, 2008.



13
14
15 Hon. PETER G. LEWIS
16 United States Magistrate Judge
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ATTACHMENT A

PROPERTY/ ITEMS TO BE SEARCHED

The property/ items to be searched are described as:

One (1) Nokia Model 6061 Cellular Telephone (black/ chrome in Color), Serial Number: 010715/00/322158/8, SIM Card, ID Number: 89520 20908 11009 6298F, presently in the custody of United States Immigration and Customs Enforcement, 333 S. Waterman Avenue, El Centro, California.

ATTACHMENT B

ITEMS TO BE SEIZED:

One (1) Nokia Model 6061 Cellular Telephone (black/chrome in Color), Serial Number: 010715/00/322158/8, SIM Card, ID Number: 89520 20908 11009 6298F, presently in the custody of United States Immigration and Customs Enforcement, 333 S. Waterman Avenue, El Centro, California.

After United States Immigration and Customs Enforcement Agents gain access to the contents of the device, it will be searched, and the following electronic data will be seized:

1. The phone numbers and/or direct-connect and/or names and identities assigned to the device; which constitutes evidence of the violation of Title 21, United States Code, Sections 952, 960, and 841(a)(1).

2. Digital, cellular, and/or telephone numbers and/or direct connect numbers, names and identities stored in the directories; which constitutes evidence of the violation of Title 21, United States Code, Sections 952, 960, and 841(a)(1).

3. Phone numbers and direct-connect numbers dialed from the device and stored in memory; which constitutes evidence of the violation of Title 21, United States Code, Sections 952, 960, and 841(a)(1).

4. The last number dialed from the device; which constitutes evidence of the violation of Title 21, United States Code, Sections 952, 960, and 841(a)(1).

5. Text messages, voicemail, and pictures; which constitutes evidence of the violation of Title 21, United States Code, Sections 952, 960, and 841(a)(1).

EXHIBIT A

Photocopy of Plastic Photograph Holder, with Photographs and SIM Cards Inside



EXHIBIT B

Photocopy of Back of Plastic Photograph Holder,
with Photographs and SIM Cards Removed from the Holder



FOTO ESTUDIO
NAGOYA
LA REVELACION DEL MOMENTO
Sus Fotos en 45 Minutos

MATRIZ:
OBREGON 107 Nte.
TEL. 712-16-37

RUBI RUBI 677 Nte. TEL. 713-11-33	SUC ROSALES OBREGON # 624 Nte. LOCAL 14 EDIF. CLOUTIER TEL. 715-34-52
PLAZA FIESTA LOCAL 25-A TEL. 714-90 31	LA CAMPINA LOCAL 1 B TEL. 716-14-13

CULIACAN, SIN.
SERVICIO CALIDAD
Y RAPIDEZ

